

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

UNITED STATES OF AMERICA,

v.

FADUMA MOHAMED FARAH.

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Case No. 3:10-cr-00260-8

William J. Haynes

Federal District Judge

DAVE

Preservation

is PERIOD

without prejudice

is denied at the

close of the

Hearings with

proof.

MOTION TO EXCLUDE TESTIMONY OF JANE DOE 5

Comes now the accused, Faduma Farah, by and through her counsel, Luke A. Evans, and moves this honorable Court, pursuant to *United States v. Swafford*, 512 F.3d 833 (6th Cir. 2008) and Rules 401, 402, 403, and 404b of the Federal Rules of Evidence, to exclude any and all testimony by Jane Doe 5 related to Faduma Farah, Defendant 1 and Defendant 15. In support thereof the Defendant would state as follows:

1. On May 4, 2011 the Government filed with the Court its Second Superseding Indictment (document 591). In the Indictment the government alleges the existence of a single conspiracy that begins in 2000 and concludes in 2010.

2. At the case at bar, the facts at trial have appeared materially different from the allegations set forth in the charging instrument. In the indictment the Government alleged the existence of a single conspiracy. During trial the Government put on proof regarding the alleged trafficking of Jane Doe 2 beginning around 2006. There has been absolutely no proof related to Faduma Farah, Defendant 1, or Defendant 15.

LUKE A. EVANS
4-18-12